

### **REMARKS**

Applicant respectfully requests reconsideration. Claims 1-34, 55-58 and 60-73 were previously pending in this application. Claim 64 is canceled without prejudice or disclaimer. Claims 12, 60, 61, 65, 66, 68 and 73 are amended without prejudice or disclaimer. Therefore claims 1-34, 55-58, 60-63, 65-73 are pending for examination with claims 1, 14, 55, 60, 61 and 62 being independent claims.

### **Allowable Subject Matter**

Claims 1-34, 55-58, 60-63, 67, 69-70 and 72 were allowed. Applicant has amended allowed claims 60 and 61 for clarification. Specifically, claim 60 is amended to include additional recitations of “or” between listed terms. In addition, claim 61 is amended to address the antecedent basis for “the target region” and clarify that it is “a target region of the lung comprising the diseased alveolar region.” Applicant believes that these amendments introduce no new matter.

Applicant also has amended claim 12 to address the objection. In addition, Applicant has canceled claim 64 and amended claims 65, 66, 68, and 73 to depend from previously allowed claim 61 as amended herein.

Accordingly, Applicant submits that 1-34, 55-58, 60-63, 65-73 are now allowable.

### **Claim Objections**

Claim 12 was objected to due to the recitation of “claim I 1” in line 1. In response, Applicant has amended claim 12 to recite “claim 11” in line 1. Accordingly, Applicant requests that this claim objection be reconsidered and withdrawn.

### **Rejections under 35 U.S.C. §102**

Claims 64-65, 68 and 71 were rejected under 35 U.S.C. §102(e) as being anticipated by Perkins et al (6,287,290).

Applicant respectfully disagrees with this rejection. However, Applicant has canceled claim 64 without prejudice or disclaimer. In addition, claims 65, 66, and 68 have been amended to depend from previously allowed claim 61 as amended herein. Claim 71 depends from claim 68.

Accordingly, reconsideration and withdrawal of all the rejections under 35 U.S.C. §102 is respectfully requested.

**Rejections under 35 U.S.C. §103**

Claim 73 was rejected under 35 U.S.C. §103(a) as being unpatentable over Perkins et al in view of Edwardson et al (US 5,739,288).

Applicant respectfully disagrees with this rejection. However, Applicant has amended claim 73 to depend from previously allowed claim 61 as amended herein.

Accordingly, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103 is respectfully requested.

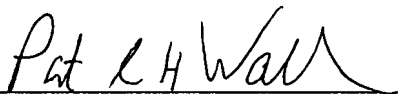
**CONCLUSION**

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 23/2825.

Dated: July 10, 2007  
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Respectfully submitted,

By 

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